

Water Management Act Blue Ribbon Panel Meeting

October 20th, 2006

Office for Commonwealth Development
100 Cambridge St., Boston, MA

Present

Andrew Gottlieb (OCD), Steve McCurdy (OCD), David Lutes (EOEA), Mary Griffin (MassDEP), Charles Aspinwall (MMA), Jim Marshall (MWWA), Pam Heidell (MWRA), Ian Cooke (NepWRA), Steve Angers (Trout Unlimited), Gary Clayton (Mass Audubon), and observers.

Minutes

Minutes from 10-06-06 meeting amended then approved, 5 – 2 – 1.

An objection was raised to including in the minutes a reference by Mary Griffin regarding Mr. Jesse Schwalbaum's participation in the Hamilton appeal. Ms. Griffin noted that Mr. Schwalbaum's credentials to discuss the impact of beaver dams on stream flow levels, were not accepted by the Administrative Magistrate. It was suggested that the inclusion of the Griffin reference was punitive and not appropriate. However, a majority of the panel agreed that the Griffin reference was an appropriate inclusion to the minutes.

Presentation – Charles Aspinwall, MMA, Town of Millis

See – Appendix A

Presentation – Jeff Nutting, Town of Franklin

See – Appendix B

Presentation - Pam Heidell, MWRA

See – Appendix C - forthcoming

Presentation – Duane LeVangie, DEP

See – Appendix D

Presentation – Kathleen Baskin, EOEA

See – Appendix E

Presentation – Amy Vickers, Amy Vickers & Associates, Inc

See – Appendix F

Discussion:

New Development

There is a concern from some communities that, while communities cannot refuse to provide water to new development in their jurisdiction, the added costs of providing water to new development (shared between community and development) is considered a disincentive for new development; otherwise vital to communities. The possibility was raised that some of the added tax revenue from the new development could be used to pay for offsetting the development's additional water use.

Baseline and Cap

Although the baseline is set from a community's average past use, there is a concern that the state is too slow to respond, and is perhaps unrealistic in their response to changes in a community's water needs.

Accounting for different kinds of water costs

The panel discussed the difficulties of separating the costs of conservation and general maintenance for communities/water authorities. They also discussed the cost structure for occasional large expenses, such as audits, compared with standard operating expenses which are folded into regular rates. Some panel members suggested that communities finance capital expenses like the occasional audit instead of dramatically raising rates in one year. Some communities have the experience of incurring a large expense, such as an audit, which can often then lead to further expenses in the following years, such as fixing large leaks or replacing meters.

Lessons from the Town of Franklin

The town of Franklin, widely considered to be one of the leaders in local water conservation in Massachusetts, had a number of insights and suggestions to share with the panel, as follows:

- Public Education takes longer than one might think; it has taken Franklin at least five years to help residents understand the issue and change their behavior.
- It also takes communities longer than one would think to get problems under control, particularly when they involve budget items and rate increases that must get approval in town meetings; it often takes an entire year simply to get the issue through town meeting, let alone actually begin to tackle the problem
- The current reality that water conservation reduces revenue for towns/water authorities, thereby making it harder to fund further conservation efforts, is problematic
- Once you have picked the low-hanging fruit of water conservation, the costs of conservation rise dramatically for the same amount of water conserved.
- Communities should receive different treatment in the permitting process based on:

- Work already done; communities like Franklin should get credit for being leaders and get through the process faster, or receive more leniency than communities that have astronomical water usage and have not begun conservation efforts.
- Economic circumstances of the community; poorer communities should be given extra help in meeting DEP's requirements.

When a Community goes over their Cap

The current process in place for a community that does not reach its water usage standard includes DEP taking 1 year to complete a study of how that community can reduce usage. Once the study is completed, the town is expected to complete the steps outlined in the study, but is also given a higher permit. While DEP is currently developing guidance for this process, some communities find the level of uncertainty inherent to this process problematic, particularly as there is a perception that the community will have to agree to something before they know what they are agreeing to. In addition, DEP's studies do not necessarily include cost-benefit analysis, which is problematic when it costs one town \$100,000 to reduce 100,000 gallons, but costs another town \$1,000,000 to reduce 100,000 gallons. The suggestion was raised that DEP simply provides a set of best practices to which each town must adhere, rather than forcing towns to meet a performance standard.

Next Meeting:

- Focus on establishing an overall balance with this policy
- Will discuss possibilities for reaching consensus, or at least some agreement, on some problems raised in the panel's proceedings
- Following the next meeting, Steve McCurdy of OCD will create a first draft of the report, send it out to the panel by early December, and then call another meeting to finish the report.

Also, the next meeting of the Blue Ribbon Water Management Act Panel has been moved from November 3rd to November 9th at 10am.

Meeting adjourned 1:14 pm